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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/803,657	03/12/2001	Hiroshi Ohmura	Q63461	6598

7590 07/06/2005

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EXAMINER

JACKSON, BLANE J

ART UNIT	PAPER NUMBER
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2685

DATE MAILED: 07/06/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No. 09/803,657	Applicant(s) OHMURA ET AL.	
	Examiner Blane J Jackson	Art Unit 2685	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 02 February 2005.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☐ Claim(s) \_\_\_\_\_ is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1, 4-15, 17 and 19-28 is/are allowed.
- 6) ☒ Claim(s) 16 and 18 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \*    c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Response to Arguments***

1. The applicant's amendment as regards previously rejected claims 23-28 place them in condition for allowance. However, reconsideration of independent claim 16 and review of previous prosecution indicates a lack of novel content and is rejected in the following Non Final rejection.
2. The examiner acknowledges that the certified copy of the priority document has been received.

### ***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 16 and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Mack, II et al. (US 6,510,325) in view of Alperovich et al. (US 6,317,609) and Yerazunis et al. (US 6,477,588).

As to claims 16 and 18, Mack teaches a portable communication terminal including:

A communicating device that transmits still image data and character data (figure 1a, column 4, line 65 to column 5, line 35, character data being the usual telephone data),

An imaging device that is capable of capturing a still image (figure 1a, camera 7, column 4, lines 25-48 and column 5, lines 2-20, note: secondary reference also teaches a camera – figure 3).

A storage device that stores still image data and character data received by the communicating device (column 5, lines 13-14),

A character inputting device that is capable of inputting a character (figure 1B, column 6, lines 53-60),

An image displaying device that displays a *moving* image according to the moving image data stored in the storage device and a *moving* image captured by the imaging device (a video phone, not a still camera except for a still triggered to photo a potential thief of the radiotelephone discussed above, column 4, lines 30-47),

A character displaying device that displays a character according to the character data stored in the storage device and a character inputted by the character inputting device,

A display control device that controls the displays of the image displaying device and the character displaying device (figure 3b, LCD display for normal telephone character information and an active matrix screen for image view, touchpad (43) for use as a fully configured data terminal in conjunction with the keypad (2) and other functions, column 6, lines 30-60).

Mack does not teach a communication device that stores still image data received by the communicating device and display of a still image according to the still image data stored in the storage device and a still image captured by the imaging device.

Alperovich teaches a system and method for a portable communication terminal (figure 3) to take a still digital image, store the image and display the stored or received still image for selection and transmission to another communications terminal through the internet or landline between mobile switching centers (figure 4, column 4, line 22 to column 5, line 29). It would have been obvious to one of ordinary skill in the art at the time of the invention to realize in the equipment of Mack the digital still picture transmission and reception methods of Alperovich to send and receive pictures between two portable radiotelephones for enjoyment or other business applications.

Mack modified does not teach a display adjustment device to vary characteristics of an image displayed on the image displaying device.

Yerazunis teaches a PDA for use in a docking station equipped with a camera where the PDA commands and executes vision applications, processes, stores and displays the images. Yerazunis further teaches the PDA buttons and display facilitates crop and image compression functions of still images, figures 1 and 3, column 2, lines 57-64 and column 3, line 65 to column 4, line 63.

It would have been obvious to one of ordinary skill in the art at the time of the invention to recognize in the combination of Mack and Alperovich the image control as taught by Yerazunis for application in a portable communication terminal.

***Allowable Subject Matter***

5. Claims 1, 4-15, 17, 19-28 are allowed.


***Conclusion***

46. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Blane J Jackson whose telephone number is (571) 272-7890. The examiner can normally be reached on Monday through Friday, 8:00 AM-5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Edward Urban can be reached on (571) 272-7899. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

BJJ

  
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